

From: POLITICO Pro Energy [politicoemail@politicopro.com]
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Subject: Morning Energy: 'Tis the stopgap season — One-on-one with Bobby Rush — Hoyer: Climate panel unlikely to have subpoena power

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MORNINGENERGY

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By KELSEY TAMBORRINO (ktamborrino@politico.com; [@kelseytam](#))

With help from Anthony Adragna, Darius Dixon and Sarah Ferris

PROGRAMMING NOTE: *Morning Energy will not publish from Dec. 24-Jan 1. Our next newsletter will publish on Jan. 2. Please continue to follow Pro Energy issues [here](#).*

'TIS THE STOPGAP SEASON: Senators late last night passed a seven-week stopgap spending measure, H.R. 695 (115), by voice vote to avert a partial government shutdown at week's end. The bill would fund the government through Feb. 8 for nine agencies, including Interior and EPA. It heads to the House today, where it is expected to pass.

See you in January: Senate Energy Chairman Lisa Murkowski's bid to pass a broad western public lands bill, including a permanent reauthorization of the Land and Water Conservation Fund, came up short thanks to an objection from Sen. Mike Lee, but she won a commitment from Senate leaders to take it up as one of the first orders of business in the new Congress. "This will be an opportunity to study every single page that you want because you'll have an opportunity to vote on this thumbs up or thumbs down when we return in January," she said on the floor. Murkowski said she made "some significant offers" but they

were summarily rejected by Lee and others despite the broad bipartisan support for the underlying lands package. Murkowski said 43 members of the chamber had at least one provision in the package.

What happened: After the chamber cleared the short-term CR, Murkowski asked consent to pass the lands package but Lee objected, citing the fact he'd just seen the 600-plus page bill earlier that morning and that Utah was treated unfairly in the measure. "This hurts," he said of the bill's impact to his state. "Why are we just receiving this just now?" Lee has objected to any permanent reauthorization of LWCF for months. "I don't believe it was a coincidence that I wasn't informed" that a permanent LWCF provision was included in the bill, Lee said.

Republican friendly fire: Sen. Cory Gardner said the Senate offered Lee a chance to address his concerns through votes Wednesday. "I'm pretty doggone upset about this," he said, pounding his fist on his Senate desk. "Why can't we have a vote? Why can't we let people who don't like [LWCF], vote no. People who like it, vote yes."

Quotable: House Natural Resources Chairman Rob Bishop isn't sure about a land package's path to passage in the House as a stand-alone bill, as Pro's Anthony Adragna reports. "I know packages are dumb. They're bad but it's going to be worse next year. We won't get as much. We'll get more stuff we don't like next year," he said. "I'm not holding up what I have just because I don't get everything that I wanted to originally."

WELCOME TO FRIDAY EVE! I'm your host, Kelsey Tamborrino. There are competing claims as to which president was first to place a Christmas tree in the White House, with some crediting Franklin Pierce and others Benjamin Harrison, so we'll give the trivia win to Bracewell's Frank Maisano, who named both. For today: Which state has supplied the most trees placed in the White House Blue Room over the years? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter [@kelseytam](https://twitter.com/kelseytam), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ALSO ON THE HILL

ONE-ON-ONE WITH BOBBY RUSH: The likely next chairman of the House Energy and Commerce Subcommittee on Energy talked the select committee on climate change, the possibility of an infrastructure bill in the first 100 days of the next Congress and his other priorities in a Q&A with Pro's Eric Wolff. Here are some key takeaways:

— **On his top priority:** "I want to fight the good fight to keep our jurisdiction from being diluted to the point we have no jurisdiction at all. They seem hellbent on getting rich on Energy and Commerce and eating off the skeleton of what it used to be."

— **On supporters of a select committee on climate change:** "Where were you when the going was tough? Where were you when we were the voice in the wilderness? Where were you then? And so I really think that it's foolhardy, it's unnecessary. The last time we had a select committee, the only thing that came out of it was Sen. [\[Ed\] Markey](#) was able to use it as an arrow in his quiver to help get elected to the Senate."

— **On his policy focus:** "I know a lot of my time is going to be spent on climate change. I don't have right now what kind of policies. ... I don't like this whole idea of FERC and FCC having these kind of fights. We want to be telling FERC that they don't put their hand on the scale."

HOYER: CLIMATE PANEL UNLIKELY TO HAVE SUBPOENA POWER: House Minority Whip [Steny Hoyer](#) says a climate panel next Congress is unlikely to have subpoena power. "I don't think that they think they need subpoena power. They're going to have experts who are, I think, dying to come before them," he told reporters Wednesday. "I don't think the question of subpoena power is going to, in any way, undermine their ability to move forward."

Progressives panned the prospect. "If true, this decision is an insult to the thousands of young people across the country who have been calling on the Democratic Party leadership to have the courage to stand up to fossil fuel billionaires and make sure our generation has a livable future," said Varshini Prakash, spokeswoman of the Sunrise Movement, in a statement. In [a tweet](#), Rep.-elect Alexandria Ocasio-Cortez responded that "a weak committee misses the point & endangers people."

INTERIOR SCUTTLE: Bishop told reporters Wednesday he hasn't been in touch with the White House about the soon-to-be vacant Interior slot. He declined to say who he preferred for the role, but added, "There are a lot of people who would be good fits. I think I know almost all of [the candidates]." His counterpart, Rep. [Raúl Grijalva](#), thought Bishop might be the best fit out there: "Although we are deeply divided and in opposition to each other on his view and my view in terms of Interior, he's been there and he's been a formidable foe," Grijalva told ME. "We go in different directions but it's not a personal hatred or meanness about it." As for the odds he'd become secretary, Bishop quipped: "Don't bet your retirement on that."

TAX TALK: The CR signals the likely end to any hope of passing a year-end tax bill, [H.R. 88 \(115\)](#) — a priority for coal companies. They have "been fighting a bid to prevent an automatic 55 percent decline next year in an excise tax on coal, which will blow a hole in the budget of a program providing benefits to coal workers affected by lung disease related to mining," Pro Brian Faler's [reports](#).

CARBON TAX TALK: Sens. [Jeff Flake](#) and [Chris Coons](#) introduced carbon tax legislation Wednesday as a companion bill to the House version of the Energy Innovation and Carbon Dividend Act [introduced](#) last month. "With the administration's recent climate assessment and skeptical response from the president, Republicans need to be at the forefront of addressing climate change," Flake said in a statement. Read the [bill text](#) and the [one-pager](#).

FOR YOUR RADAR: House lawmakers last night approved the Water Infrastructure Improvement Act, [H.R. 7279 \(115\)](#), by a vote of 351-10, Pro's Annie Snider [reports](#). The bill is aimed at helping communities balance multiple, court-mandated water upgrades.

AROUND THE AGENCIES

HAPPY HOLI-FERC: Today is the last meeting of another drama-filled year at FERC — Neil Chatterjee retook the chairmanship, a controversial chief of staff got more controversial, Rob Powelson resigned, and Bernard McNamee was narrowly confirmed. The meeting seems set up to be a short one, but there are a handful of interesting items afoot, particularly in the natural gas space.

There are four gas certificate items on the agenda, and two look like potentially new approvals: Dominion's Sweden Valley pipeline project and Venture Global's Calcasieu Pass LNG terminal. There are two rulemakings on the agenda, including a new docket aimed at refining the analyses of sellers' horizontal power in the wholesale electricity markets. Today is also McNamee's first public appearance since he was sworn in last week, so we'll be looking for protesters. The meeting starts at 10 a.m. at FERC headquarters.

WATCHDOGS STILL REVIEWING 'LOST DATA' AT FERC: While the Energy Department's inspector general didn't find any gaps in FERC's unclassified cybersecurity program during the fiscal year that ended in September, according to a [report](#) on Wednesday, watchdogs are still studying a "security incident" from 2017. FERC promptly initiated a review but the IG's office "found that FERC was still in the process of reviewing the impact of the incident and completing its analysis." FERC management said the "incident" was pretty sophisticated. "Due to the size and complexity of the incident, FERC management assigned multiple subject matter experts from each of the affected program

offices to provide detailed analysis of the lost data," FERC Executive Director Anton Porter wrote in a letter to the IG.

DOJ FILES SUIT ON CONSERVATION EASEMENTS: The Justice Department filed a lawsuit Wednesday seeking to stop Georgia-based promoters of a conservation easement tax scheme from operating in the state. The lawsuit, filed in the U.S. District Court for the Northern District of Georgia, alleges the scheme focused on donations of conservation easements and corresponding tax benefits from those donations, as well as "grossly overvalued" appraisals. According to the DOJ, the promoters "organized, promoted, and sold at least 96 conservation easement syndicates" resulting in more than \$2 billion of tax deductions from overvalued and improper qualified conservation contributions.

QUICK HITS

- "Wolverine sues 3M over PFAS contamination," MLive.com.
- "Cap-and-trade for cars is coming to the Northeast," Scientific American.
- "Ga. regulatory staff warn of lawsuit if Vogtle costs not prudent," S&P Global Market Intelligence.
- "Governors agree to study sending gas to Asia through Mexico," Associated Press.

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